



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #1.018 Victim Notification Program

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Authority: Wyoming Statute(s): 1-40-201 through 1-40-210; 7-18-102(a)(i); 25-1-104; 25-1-105 ACA Standard(s): 4-4447; 4-4447-1; 4-4461-1 2-CO-4G-02-R		Effective Date: July 1, 2015 Revision/Review History: 07/01/14 03/01/14 07/01/13 07/01/12 05/01/11
		Summary of Revision/Review: Updates existing policy pursuant to annual review.
Cross Reference of Policy: Field Services Operational Standards and Procedures #7.28, <i>Victim Notification Program</i> ; WDOC P&P #4.601, <i>Inmate Release Procedures</i>		Supersedes Existing Policy :
Approved: R.O. Lampert Robert O. Lampert, Director		
6-16-15 Date		

REFERENCE

1. ATTACHMENTS – None Noted
2. OTHER – None Noted



I. PURPOSE

- A. **Victim Notification Program.** The purpose of this policy and procedure is to establish uniform guidelines to be used by the Wyoming Department of Corrections (WDOC) to notify victims, witnesses and other individuals of an offender's status in accordance with the *Victim and Witness Bill of Rights*, W.S. § 1-40-201 through 1-40-210. It shall be the responsibility of the Victim Notification Supervisor (VNS) to coordinate the victim notification program and to establish and provide training to staff involved in victim's issues. (ACA 4-4447-1)
- B. **Notification.** Written policy, procedure, and practice provide that consistent with the law of the jurisdiction, there is a system for providing notification to the registered victim(s) of a crime prior to any release from confinement of the convicted offender and/or escape from custody. Follow-up notification to victim(s) occurs when escapees are returned to custody. (ACA 2-CO-4G-02R)

II. POLICY

- A. **General Policy.** It is the policy of the WDOC to provide entitled individuals the opportunity to receive written information about the status of offenders in the Wyoming adult correctional system.
- B. **Notification to Registered Victims.** It is the policy of the WDOC that, consistent with the *Victims Bill of Rights*, there is a system for providing notification to the registered victim(s) of a crime prior to any release from confinement of the convicted inmate and/or escape from custody. Follow-up notification to victim(s) shall occur when escapees are returned to custody. (ACA 4-4447)
- C. **WDOC Mission to Protect.** It is the policy of the Wyoming Department of Corrections to recognize the stated philosophy of the *Victims Bill of Rights* to treat victims with compassion, respect and sensitivity, along with recognition of the important WDOC mission to protect society and afford the inmate an opportunity to reform. Therefore the Victim Notification Program (VNP) will be operated in a manner that will provide effective notice to requesting, entitled individuals so as to minimize the danger of further harm from the offender, as well as to provide the information required by law.
- D. **Training of Staff Involved in Victim's Issues and Offenders.** It is the policy of the Wyoming Department of Corrections to establish and provide training to staff involved in victim's issues (ACA 4-4447-1) and to offer victim awareness classes to offenders during the intake and classification process and/or as part of the reentry program to help offenders understand the



impact of their crimes on the victims, their communities, and their own families (ACA 4-4461-1).

III. DEFINITIONS

- A. **Certification:** A process through which entitled individuals apply for, are verified as being entitled to, and are registered to receive notification under this policy.
- B. **Entitled Individuals:** *(For this policy only.)* Victims, key-witnesses, prosecutors, victim/witness coordinators and advocates who participated in the criminal prosecution and have become certified.
- C. **Key Witness:** *(For this policy only.)* Any witness identified in writing by the prosecution as being entitled to the rights provided by this act pursuant to W.S. § 1-40-202 (iv).
- D. **Notification Offender:** An inmate or parolee under the jurisdiction of the Wyoming Department of Corrections who is the subject of a request for notification.
- E. **Recipient:** *(For this policy only.)* An individual whose request for notification has been approved and processed by the Victim Notification Program Supervisor.
- F. **Reportable Disposition:** *(For this policy only.)* Any disposition of a notification offender for which a notification requirement is established in this policy.
- G. **Requestor:** *(For this policy only.)* An individual who has requested notification under the Victims Bill of Rights.
- H. **Victim:** *(For this policy only.)* An individual who has suffered direct or threatened physical, emotional or financial harm as the result of the commission of a criminal act or a family member of a victim who is a minor or an incompetent or a surviving family member of a homicide victim pursuant to W.S. § 1-40-202(ii).
- I. **Victim Notification Coordinator:** An individual in each Wyoming Department of Corrections correctional facility, including the penitentiary, the women's center, the honor farm, the conservation camp, the medium correctional facility, each adult Community Corrections facility, and the Division of Probation and Parole, who is responsible for timely notification to



the Victim Notification Program, of each offender disposition for which there is a notification requirement.

- J. Victim Notification Program (VNP):** The administrative and operational program within the Wyoming Department of Corrections responsible for carrying out the directives outlined in the Victim and Witness Bill of Rights.
- K. Victim Notification Supervisor (VNS):** The Wyoming Department of Corrections central office employee responsible for the functions of the Victim Notification Program.
- L. Witness:** (*For this policy only.*) A person who is likely to testify in a criminal proceeding pursuant to W.S. § 1-40-202 (iii).

IV. PROCEDURE

A. General Procedures

- 1. General Notification.** WDOC shall provide entitled individuals written information about the status of offenders in the Wyoming adult correctional system. The written information shall include the following:
 - i.** The commencement of the offender's imprisonment to serve the sentence imposed and the name, official address, and security classification of the place of confinement;
 - ii.** The earliest date upon which the offender could be released and the date released;
 - iii.** Any transfer of the offender to another facility including the security classification of that facility;
 - iv.** Any work release of the offender and the assigned work release site;
 - v.** Any change in location of offender's parole supervision;
 - vi.** The escape, recapture or death of an offender; and
 - vii.** Any reduction or extension of the offender's sentence.
- 2. Additional Notification.** In cooperation with other agencies and pursuant to other statutory directives, WDOC may release additional offender information to entitled individuals, to include the following:



- i. Furloughs;
 - ii. Opportunity for those individuals who have been certified as a victim to provide written comments to Adult Community Corrections (ACC) Boards prior to acceptance of offenders into the program;
 - iii. Parole board matters with direct notification being provided by the Wyoming Board of Parole;
 - iv. Applications for pardons with direct notification being provided by the Attorney General's office;
 - v. Final appellate review of criminal convictions with direct notification being provided by the Attorney General's office; and
 - vi. Opportunity for those individuals who have been certified as a victim to provide comments to Interstate Compact Authority prior to transfer of parole supervision to another state in accordance with Interstate Commission for Adult Offender Supervision Rule 3.108 and Rule 3.108-1.
3. The WDOC Victim Notification Supervisor will establish and maintain a system to track notification requests and provide notification to recipients within timelines established within WDOC Policy and Procedure # 4.601, *Inmate Release Procedures*, or WDOC Division of Field Services Operational Standards and Procedures #7.28, *Victim Notification Program*.
4. Notification will only be disclosed to individuals who have requested the information on the WDOC notification request form (DOC FR VN-1) and who have been certified on that form by a prosecutor or the VNS as being entitled to information. Any other disclosure to non-criminal justice agency personnel may be a violation of the Criminal History Records Act subject to legal action.
5. All victim information contained in the WDOC notification request form and the fact that a notification request has been made is CONFIDENTIAL. Sharing of this information will generally be limited to prosecutor's offices, the Attorney General's Office, the Board of Parole, and WDOC personnel involved in the program on a need to know basis. Requestor information shall not be disseminated to institutional personnel or other entities that do not have direct involvement with the program, except in emergency situations where disclosure of the same is necessary to notify



of the offender's status. In no case shall inmates have access to requestor information. Violation of this procedure by WDOC personnel may result in administrative action and may include termination.

6. Information will not be provided to recipients after the offender is discharged from the sentence directly related to the case in which the recipient was involved.
7. If a recipient decides to withdraw their request for notification, they must do so in writing. All WDOC records will then be modified so that notification is no longer provided.
8. Notification will be discontinued to recipients who fail to apprise the WDOC of their whereabouts, as indicated by mail returned for lack of a forwarding address, invalid e-mail address, discontinued telephone service, etc. However, recipients may re-initiate notification by informing the WDOC of their new location.
 - i. The WDOC Victim Notification Supervisor shall make contact with the Attorney General's Office, Division of Victim Services and/or the Victim Service Provider in the community in which the victim was previously known to reside in an attempt to locate the recipient, prior to discontinuing the notification process.
9. The WDOC notification requirements apply only to offenders who are sentenced to and initially incarcerated in WDOC facilities, to include ACCs. Notification will not be provided for misdemeanor offenders sentenced to jail or offenders placed on probation.

B. Guidelines for Certification

1. Each entitled individual in each criminal case in the state is required by law to be offered the opportunity to receive written notification of the various reportable dispositions. Prosecutors' offices have been asked to assist in carrying out this function through the dissemination or use of WDOC notification request form (DOC FR VN-1).
2. Prosecutors are asked to follow the guidelines below in the dissemination and processing of the forms:
 - i. Prosecutors should take affirmative action to ensure that every victim and key-witness involved in each crime committed in that prosecutor's jurisdiction is provided with a WDOC form VN-1 and is offered any needed assistance in understanding and completing the form.



- a.** The offender information and certification sections of the form may be completed by the prosecutor or designee, if appropriate.
 - b.** In the alternative, applicants may send the completed form to the VNS, who will then complete the offender information and certification portions of the form.
- ii.** Each prosecutor should distribute a copy of WDOC form VN-1 to every known prosecutor's office staff member, victim/witness coordinator and advocate in his or her jurisdiction, and inform such individuals that the information listed on the form may be made available to them in any criminal case in which they are, or may become involved, upon submission of a completed WDOC VN-1 to the WDOC.
- iii.** The determination of victims and key-witnesses entitled to notification is left up to the prosecutors and/or the VNS by statute and by WDOC policy.
- iv.** Every identified victim and key-witness should be asked to complete a WDOC form VN-1, whether notification is desired or not, and return it to the prosecutor or directly to the VNS.
 - a.** The prosecutor should maintain a file of all forms submitted directly to him/her on which a victim or key-witness has indicated that notification is not requested.
 - (1)** The prosecutor's file should also contain a written notation of victims or witnesses who have orally declined to complete a form. In this manner, a record of statutory compliance will be established.
 - (2)** Forms submitted to the prosecutor in which the victim/witness declines notification should be maintained by the prosecutor at least for the duration of the offender's maximum sentence.
 - b.** Forms submitted directly to the VNS in which the victim/witness declines notification should be maintained by the VNS at least for the duration of the offender's maximum sentence.



- v. In cases where notification is requested and the prosecutor processes the form, but the prosecutor declines to certify the requestor as being entitled to notification, the prosecutor should provide a brief written explanation for the denial to the requestor. A copy of such explanation should be attached to the notification request form and maintained in a prosecutor's file.
- vi. In cases where the prosecutor is certifying the individual as being entitled to notification, the prosecutor's office should complete the offender information and certification sections of the form. The requestor should then be informed that it is his or her responsibility to mail the completed form to the WDOC at the address listed on the back of the form. Prosecutors' offices may maintain copies of completed forms for their records.

 - a. Prosecutors' offices shall have no further responsibility for notification to entitled individuals under this policy after the above process has been completed, except as maybe otherwise required by law.
- vii. Upon being notified by WDOC of the new receipt of a felon for incarceration, the Board of Parole will send each victim or witness identified on the notification offender's pre-sentence investigation (PSI) who has not become certified a letter advising of their rights to become certified and to receive notifications, and informing them of the procedure to obtain, complete, and submit a WDOC Form VN-1.

C. Receipt of Notification Request

- 1. Upon receipt of a notification request form, the VNS will review the form to ensure that it is complete.

 - i. Incomplete forms that do not have needed information will be returned to the requestor with instructions for completion.
 - ii. If the offender has not been sentenced to the WDOC or has been placed on probation, the recipient will be advised that notification is not available.
- 2. In cases where the requestor returns a completed form to the VNS without certification by the prosecutor, the VNS will be responsible for completing the offender information and certification section.



- i. The VNS will review the offender's court documents, pre-sentence investigation and available WDOC records to verify the requestor is an entitled individual.
 - ii. If the court documents do not contain the needed information, an inquiry will be sent to the appropriate prosecutor's office for necessary information to verify or deny entitlement and certification. A copy of the prosecutor's reply shall be kept with the file for verification purposes.
 3. Once it is determined the request form is complete, the VNS will acknowledge receipt of the notification request by letter or email notification.
 - i. If it is determined that the requestor is entitled to certification, the VNS will also provide any initial information that is available (*i.e.*, date of offender's imprisonment, location and security status of the institution where incarcerated, earliest possible release date, *etc.*).
 - ii. The WDOC reserves the right to deny certification if, in its determination, the individual is not entitled to the information requested. The final decision to deny certification rests with the Director or his/her designee.
 - a. The VNS will retain a written record of the basis for a denial of certification and shall inform the requestor of the denial and the reason(s) therefore by telephone or in the letter or email acknowledging receipt of the notification request.
 4. The request form will be entered into the WDOC offender tracking system (WCIS) which will be maintained in such a manner that it may be referenced by recipient and offender name.
 5. Information regarding the recipient's mailing address, e-mail address or telephone numbers will be updated as required.
 6. Upon discharge of the notification offender from the WDOC, or upon termination of the sentence related to the crime in which the recipient was involved, any hard copy file will be closed and placed with the offender file to be archived according to WDOC policy.

D. Coordination between VNS and Institutional Coordinators



1. Each correctional facility/Community Corrections Program will designate a Victim Notification Coordinator who will be responsible for providing the VNS with information regarding notification offenders and who will ensure that all institutional staff are aware of the procedures outlined in this policy.
 - i. The VNS, in coordination with the Wyoming Division of Victim Services, shall provide each newly designated VNC with training on victim's issues to include the following topics and shall provide updated training as appropriate:
 - a. Specific services available to crime victims;
 - b. Changes in laws impacting victims;
 - c. Way(s) of gaining access to the services;
 - d. Confidentiality of victim information;
 - e. Ways for victims to communicate complaints and other concerns; and
 - f. Program evaluation measures, which include victims' input regarding the effectiveness of services and ways for them to make suggestions regarding agency policies and practices intended to assist crime victims. (ACA 4-4447-1)
2. The VNS will notify the coordinator at the men's intake facility (WMCI) or the women's intake facility (WWC) when there is a notification request for the notification offender.
 - i. The coordinator will then provide the VNP with initial information to include the date of imprisonment, current location of the offender, crime(s), sentence term(s), earliest projected parole eligibility date, statutory good time release date and boot camp recommendation.
 - ii. This information will be provided to the VNS within thirty (30) calendar days from the date they are advised of the notification requirement.
3. If the coordinator at the intake facility determines the notification offender is no longer at their facility, they will advise the appropriate facility coordinator that there is a notification request.
4. Each WDOC institution and community corrections coordinator will mark notification offender files to indicate the existence of a notification request.



Any rosters, lists, or documents which are routinely consulted as part of any reportable disposition should be marked as well.

5. Institution coordinators will be required to notify the VNS in writing (WDOC-FR VN-4 form) of the following dispositions of notification offenders when they occur, or in compliance with the timeframes established under WDOC Policy and Procedure #4.601, *Inmate Release Procedures*:
 - i. Transfer to another facility following completion of transfer;
 - ii. Work release and the assigned work release site;
 - iii. Escape, recapture, or death;
 - iv. Reduction or extension of the offender's sentence;
 - v. Furloughs;
 - vi. The actual date released to parole;
 - vii. Discharge upon termination of sentence;
 - viii. Recommendations for Community Corrections placement; and
 - ix. Contracted jail placement for housing purposes.
6. Institution coordinators will **not** be required to notify the VNP of temporary absences from the facility, *i.e.*, out to court, work assignments outside the facility, community service work, doctor appointments, *etc.*
7. The records office responsible for determining when an inmate will be released due to expiration of sentence shall notify the VNP at least thirty (30) days in advance of the inmate's release.
8. The records office responsible for determining parole release dates shall notify the VNP at least five (5) days in advance of the inmate's release to parole.
9. When an escape occurs during normal work hours:
 - i. Staff at the facility from which the escape occurred will follow normal escape procedures, including telephoning the Victim Notification Program Supervisor to report the escape.



- ii. Once notified of the escape, the VNS will immediately begin contacting the appropriate recipients by telephone.
- 10. When an escape occurs after normal work hours:
 - i. The designated WDOC duty officer will be responsible to ensure notification or attempted notification to the recipient is provided.
 - ii. The WDOC duty officer or staff will document all contacts and attempted contacts and forward to the VNP by the following normal workday.
- 11. The coordinator at each facility will be responsible for checking the facilities inmate roster on a regular basis and as new offenders arrive to ensure that all files, roster and lists for all offender's with victim notification requirements are flagged so that notification to the VNP continues as outlined above.
- 12. Since Community Corrections Centers, to include the Therapeutic Community Program (TC) do not have access to the WDOC offender tracking system, it will be the responsibility of the coordinator at the sending facility to immediately inform the coordinator at the receiving facility of the notification requirement by submitting the notification request form (DOC FR VN-3). The receiving coordinator will then implement the steps to flag the notification offender's file, rosters or lists to ensure notification to the VNP continues as outlined above.
- 13. In cases where advanced notification of an offender's anticipated movement has been provided to the VNP and the transfer **does not** occur, the institution coordinator will notify the VNP that the same did not transpire and the reason therefore and the WDOC VNS will notify the victim the transfer did not take place.

E. Coordination between VNP and Division of Field Services

- 1. The Victim Notification Program will continue to provide notification for those offenders that have been released from incarceration and are now under parole supervision. Notification will not be provided for those offenders that are serving a probation period, even if the probation period is being served at a state correctional facility in accordance with Division of Field Services Operational Standards and Procedures #7.28, *Victim Notification Program*.



2. If a notification requirement exists for an offender under the supervision of the Division of Field Services, the VNP will enter the VNO flag and related court docket number in the electronic case management system (Monitor). The VNP will also advise the appropriate field office staff by e-mail that a notification requirement exists so that they can mark the offender file.
3. The supervising agent or appropriate WDOC staff will report the following dispositions of notification offenders to the VNP:
 - i. Transfer of supervision (in-state, out-of-state, and return to Wyoming);
 - ii. Revocation proceedings;
 - iii. Any absconsion from supervision and subsequent apprehension;
 - iv. Modification of parole conditions;
 - v. Commutation;
 - vi. Death; and
 - vii. Discharge.
4. Notices of absconsion, death, or discharge shall be reported to the VNP upon occurrence, or as soon thereafter as possible. All notices will be reported to the VNP in a timely fashion. Such notifications will be by e-mail.

F. Coordination between VNP and Attorney General's Office

1. The Attorney General's Office will be responsible for informing the VNP in writing of all pending appeals and all application for pardons.
2. The VNP will check all appellants' and pardon applicants' names to determine if notification requirements exist. The Attorney General's Office will be informed in each case whether or not there is a reporting requirement, and shall be provided the name, address and telephone number of all recipients in any case where a reporting requirement exists.
3. The Attorney General's Office will be responsible to provide recipients notification of any appeals or pardon applications.

G. Notification of Reportable Dispositions



1. Upon receipt of notification of a reportable disposition from an institution coordinator or the Division of Field Services, the VNS will provide written notification or email notification to the recipient. All notifications will be provided as close to the time of their occurrence as feasible, with the exceptions of discharges which will be provided as outlined in Section B above.
2. Copies of all notifications will be placed in the VNP file. In the case of telephonic notifications, a written notation of the substance, date and time of any calls or attempted calls will be placed in the file.
3. Registered victims may also receive related notifications through the automated victim notification process known as VINE.

V. TRAINING POINTS

- A. Name three (3) events that recipients are entitled to notification of in writing.
- B. Name three (3) inmate events in which institution coordinators are required to notify the VNP in writing.
- C. How is the notification of escapes handled during normal business hours?
After hours?
- D. TRUE OR FALSE: Notification shall be provided for those offenders that are serving a probation period.